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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/087,112
Applicant : Fuqiang Jin et al.
Filed : March 1, 2002
TC/A.U. : 1600/1624
Examiner : Thomas C. McKenzie
Title : Method for the synthesis of 2',3'-dideoxy-2',3'-didehydronucleosides

Docket No. : 08841.105031 (PHAR2001)
Customer No. : 20786

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

October 26, 2004

DECLARATION OF SALLY K. SEXTON

Sir:

1. My name is Sally Sexton. I am a paralegal employed by King & Spalding, LLP, the firm of record responsible for the above-identified application.
2. Our firm received an Office Action dated November 25, 2003 in the above-referenced application. In the Action, the Examiner objected to Dr. Fuqiang Jin's Declaration because the inventor had changed his address without initialing the change. To address the Examiner's objection, I attempted to locate the inventor to obtain a substitute Declaration.
3. The technology described in this application was originally developed at Dupont Pharmaceuticals, Inc., by Fuqiang Jin and Pasquale Confalone. In 2001, Dupont sold its pharmaceutical arm to Bristol Myers Squibb, including this patent filing. After the sale, Bristol Myers assigned the patent filing to Pharmasset, Ltd.
4. At the time of filing of the original Declaration, Dr. Jin had already left Dupont. The last address that we had in our files for him was the Massachusetts address identified in the original Declaration.

CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8a)

I hereby certify that this Correspondence, along with any paper referred to as being attached or enclosed, is being sent via facsimile transmission to the Office Of Petitions, P.O. Box 1450, Alexandria, VA 22313-1450 at facsimile number 703-872-9306.

10/26/04
Date

Susan Hollinger
Susan Hollinger

Appl. No. 10/087,112
Amendment Dated October 26, 2004
Reply to Notice of Allowance dated July 28, 2004

5. In November and December 2003, I spoke with Bryce A. Roberts, counsel for Pharmasset, regarding the possibility of obtaining a substitute Declaration from inventor Jin. Mr. Roberts stated that he had attempted to locate Mr. Jin through his contacts at Dupont and that he was unsuccessful in obtaining a new address or contact information for the inventor.

6. In a final Office Action dated May 5, 2004, the Examiner again objected to Dr. Jin's Declaration. At that time, I searched several databases to determine if I could locate Dr. Jin's new address but found no addresses listed for Dr. Jin. I also spoke to Mr. Roberts again to inquire whether he was able to locate the inventor. He stated that he was unable to identify a new address.

7. In the Notice of Allowance, dated July 28, 2004, the Examiner again rejected the originally filed Declaration and required a newly signed Declaration for Inventor Jin. In response, I again searched a proprietary database. On October 19, 2004, I identified two addresses for a Fuqiang Jin, one at 1002 Canter Cir., New Hope, PA 18938, and the other at 109 White Pine Cir., Trenton, NJ 08648. I relayed this information to Susanne Hollinger, a patent agent at our firm.

8. I declare that all statements made herein of my own knowledge are true and that all statements made herein of my own knowledge are believed to be true. These statements are made with the knowledge that willful false statements are punishable by fine or imprisonment under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

10/26/04
Date


Ms. Sally K. Sexton

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